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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/771,257      | 01/26/2001  | Balaji S. Holur      | 062891.0510         | 8120             |

7590

04/05/2005

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| EXAMINER |
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VU, VIET DUY

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2154

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/771,257

Applicant(s)

HOLUR ET AL.

Examiner

Viet Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-14, 16-24, 26-34 and 36-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47, 55 and 63 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 16-24, 26-34, 36-46, 48-54, 56-62 and 64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/28/05</u> . | 6) <input type="checkbox"/> Other: _____  |

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**Art Rejections:**

1. The text of 35 USC 103(a) not cited here can be found in the previous office action.

2. Claims 1, 6-11, 16-21, 26-31 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al, U.S. pat. Appl. Pub. No. 2002/0037744.

Per claims 1 and 10, Bhatia discloses a system and method for providing service access to a wireless network comprising:

a) generating at a client application a request for a network session (see page 8, par. 99),

b) determining allowability of the session based on a service agreement stored in a local database (645) without accessing external resources (see page 9, par. 107).

Bhatia also teaches monitoring and/or querying mobile client location via many conventional communication channels including out-of-band communication channels (see page 9, par. 103).

Bhatia does not explicitly teach using out-of-band signaling in determining if the session request is allowed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such out-of-band signaling in Bhatia because it would have enabled the

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system to setup a communication session with the mobile client when the mobile client travels outside its home area (see page 9, par. 103, 106).

Per claims 6-9, it is noted that the use of handshaking/negotiation signals including discovery and advertisement messages in wireless communications is well known in the art.

Claims 11, 16-21, 26-31 and 36-40 are similar in scope as that of claims 1 and 6-10.

2. Claims 2-4, 12-14, 22-24, 32-34, 41-46, 48-54, 56-62 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia and further in view of Griffith, U.S. pat. Appl. Pub. No. 2002/0065064.

Per claims 2-4, Bhatia does not explicitly teach storing/maintaining session information at telecommunication gateway. Griffith teaches storing/saving a data session established between a mobile device and information provider, e.g., web server, at a gateway or access point to enable a seamless reconnection of communications and retransmission of data to the mobile device without requiring the mobile device to re-login or create a new session with the server (see Griffith's page 2, par. 27 and page 6, par. 74-75).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bhatia with Griffith's teachings because it would have enabled reducing setup time in providing access to the mobile client especially when the mobile device travels across different networks (see Griffith's page 2, par. 29).

Claims 12-14, 22-24 and 32-34 are similar in scope as that of claims 2-4 and hence are rejected for the same rationale set forth above for claims 2-4.

Per claims 41-46, 48-54, 56-62 and 64, it would have been obvious to one of ordinary skill in the art to utilize out-of-band signaling in Bhatia because it would have enabled the system to setup a communication session with the mobile client when the mobile client travels outside its home area (see page 9, par. 103, 106).

**Allowable Subject Matter:**

3. Claims 47, 55, and 63 are allowed over prior art of record.

**Response to Arguments:**

4. Applicant's arguments filed 10/4/04 are not found persuasive. It is noted that the rejection has been modified to address new changes in the claims.

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Applicant alleges that Bhatia does not teach or suggest using out of band communications.

This is not found persuasive. Bhatia teaches enabling the mobile client to access the network resource via a foreign agent when the client mobile travels outside its home area. It is well known in the art that out-of-band signaling is commonly used to allow the system to setup a communication session with the mobile client via a foreign agent.

Applicant also alleges that there is no motivation to combine the references.

It is submitted that that the modification to Bhatia is clearly motivated by the teachings of Griffith to reduce setup time for a communication session between the mobile client and the server (see Griffith's page 2, par. 29), as clearly set forth in item 2 above.

5. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED

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STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

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3/31/05